

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **ARNOLD L. KENDALL, M.D.**

6 Holder of License No. 4336
7 For the Practice of Medicine
In the State of Arizona.

Case No. MD-99-0741

**CONSENT AGREEMENT
FOR A LETTER OF REPRIMAND**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners (Board) and Arnold L. Kendall, M.D. (Respondent) the parties agree to the
11 following disposition of this matter.

12 1. Respondent acknowledges that he has read this Consent Agreement and
13 the stipulated Findings of Fact, Conclusions of Law and Order; and, he is aware of and
14 understands the content of this document.

15 2. Respondent understands that by entering into this Consent Agreement for
16 the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a
17 hearing or judicial review in state or federal court on the matters alleged or to challenge
18 this Consent Agreement and the Order in its entirety as issued by the Board and waives
19 any other cause of action related thereto or arising from said Order.

20 3. Respondent acknowledges and understands that this Consent Agreement
21 and the Order will not become effective until approved by the Board and signed by its
22 Executive Director.


23 4. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, upon signing this agreement,
5 and returning this document (or a copy thereof) to the Board's Executive Director,
6 Respondent may not revoke his acceptance of the Consent Agreement and Order or make
7 any modifications to the document, although the Consent Agreement has not yet been
8 accepted by the Board and issued by the Executive Director. Any modifications to this
9 original document are ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,
11 once approved and signed, shall constitute a public record document, which may be
12 publicly disseminated as a formal action of the Board.

13 7. If any part of the Consent Agreement and Order is later declared void or
14 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
15 and effect.

16  - Dated: 4/24/01
17
18 Arnold L. Kendall, M.D.

19 FINDINGS OF FACT

20 1. The Board is the duly constituted authority for the regulation and control of
21 the practice of allopathic medicine in the State of Arizona.

22 2. Arnold L. Kendall, M.D., is the holder of license number 4336 for the practice
23 of allopathic medicine in the State of Arizona.
24
25

1 3. The Board initiated case number MD-99-0741 upon receiving a complaint
2 from the chief medical officer of Arizona State Hospital concerning the care and treatment
3 of patient.

4 4. From June 16, 1999 to June 26, 1999, the patient underwent treatment by
5 his attending physicians at Arizona State Hospital because the patient suffered from rectal
6 bleeding and had become delirious and threatening.

7 5. On June 26, 1999, nursing staff informed Respondent, who was serving as
8 the officer of the day from June 26-28, that the patient was confused, combative,
9 wondering from room to room, and had not eaten or taken his medicine. After receiving a
10 brief medical history, Respondent tested the lithium level of the patient. The test indicated
11 a lithium level of 2.8. Respondent after examining the patient and reviewing the chart,
12 ceased all medications and ordered staff to encourage fluids and to provide him with
13 progress reports. The patient's symptoms and laboratory results indicated the need for a
14 more aggressive method of medical treatment. However, Respondent failed to initiate
15 intravenous fluid hydration and transfer the patient for outside medical care for possible
16 initiation of renal dialysis.

17 6. On June 28, 1999, the patient became comatose and unresponsive. The
18 patient was then transferred to Maricopa County Medical Center for emergency care due
19 to lithium toxicity. After nearly four weeks of treatment, the patient died.

20 7. Respondent fell below the standard of care by failing to timely initiate
21 aggressive treatment, resulting in the patient's deterioration.

22 **CONCLUSIONS OF LAW**

23 1. The Board possesses jurisdiction over the subject matter hereof and over
24 Arnold L. Kendall, M.D. (Respondent), holder of license number 4336.
25

2. The conduct and circumstances described above in paragraph 5-7 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (Any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public).

ORDER

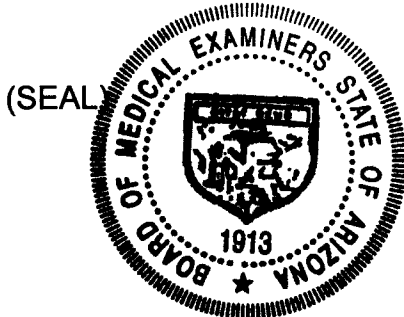
IT IS HEREBY ORDERED THAT:

1. Arnold L. Kendall, M.D. (Respondent), holder of license number 4336 is hereby issued a Letter of Reprimand for the unprofessional conduct described above.

2. This Order is final disposition of case number MD-99-0805.

DATED and effective this 25th day of April, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA



By Claudia Foutz
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

ORIGINAL of the foregoing filed this 26 day of April, 2001 with:

The Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 26 day of April, 2001 to:

Arnold L. Kendall, M.D.
1001 Folsom Ranch Drive #303
Folsom, CA 95630

1 EXECUTED COPY of the foregoing
2 hand-delivered this 26 day of
3 April, 2001, to:

4 Richard Albrecht, Assistant Attorney General
5 c/o Arizona Board of Medical Examiners
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258
8 Counsel for the Board

9 Sandra Waitt

10 ~~Lisa Maxie Mullins, Legal Coordinator~~
11 ~~Board Operations~~

12 Sandra Waitt
13 Management Analyst